

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
UNITED STATES OF AMERICA :

— v. — :

MUSTAPHA RAJI, :

Defendant. :

AFFIDAVIT OF  
SPECIAL AGENT  
MICHAEL RYAN

19 Cr. 870 (JMF)

----- x

MICHAEL RYAN, hereby affirms under penalty of perjury:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the New York Field Office. I have been a Special Agent with the FBI since 2002, and am assigned to a squad which investigates cyber financial crimes. In that capacity, I have investigated numerous cases involving email account compromises—*i.e.*, financial crimes where the victims are targeted via an email from an account that appears legitimate.
2. In or about August 2018, the FBI began to investigate the email compromise of a victim which led to that victim sending \$1.7 million to a bank account in Florida. Since the beginning of that investigation—which encompasses this case, and a related case (*United States v. Nancy Martino-Jean*, 18 Cr. 853 (NRB))—I have been one of the principal case agents.
3. On or about December 20, 2019, I participated in the arrest of the defendant, Mustapha Raji, at a residence in Florida (“Raji Residence”). I was the agent who observed two cellphones (the “Raji Cellphones”) near a couch in the Raji Residence. As the defendant was being held in the kitchen area of the Raji Residence, he asked, in sum and substance, to make a phone call. I then picked up the Raji Cellphones and asked the defendant, in sum and substance, “Are these your phones?” He responded in the affirmative. I then seized the Raji Cellphones.

4. At the time I seized the Raji Cellphones, I believed that there was probable cause that the Raji Cellphones contained evidence of a crime. That belief was based on the following, set forth here in substance and in part:

a. I was aware that emails sent from accounts linked to the defendant, MUSTAPHA RAJI, had sent fraudulent loan documents to his co-conspirator, Nancy Martino-Jean in August 2018. In a search warrant affidavit (attached hereto as Exhibit A) for email accounts linked to RAJI dated November 15, 2018, I detailed the specific facts related to the sending of those fraudulent documents. (*See* Exhibit A, ¶¶ 5-12).

b. Based on my review of a memorandum of Martino-Jean's post-arrest interview, I was aware that she had told the FBI that emails and WhatsApp messages related to the fraud were stored on her phone. In a search warrant affidavit for Martino-Jean's cellphone, I set forth the relevant statements from Martino-Jean to the FBI, including that emails and WhatsApp messages related to the fraud were located on her cellphone. (*See* Ex. D to the Gov't. Mem. in Opp. To the Def.'s Mot. To Suppress, Dkt. No. 58-4, ¶ 10).

c. I was aware of RAJI's text messages with a cooperating witness regarding the disbursement of fraudulently-obtained funds. Before RAJI's arrest, I had reviewed screenshots of those messages and had participated in an interview of that cooperating witness.

d. I was aware that the defendant MUSTAPHA RAJI had called a bank investigator regarding fund transfers in October and November 2019, as described in Dkt. No. 58-3 ("Lai Aff."), ¶ 9. I became aware of those communications based on my review of a Suspicious Activity Report ("SAR") filed by a particular financial institution ("Bank-1"), which described phone calls between RAJI and an investigator for Bank-1. I also reviewed the attachments to that SAR. Although I did not communicate directly with the Bank-1 investigator,

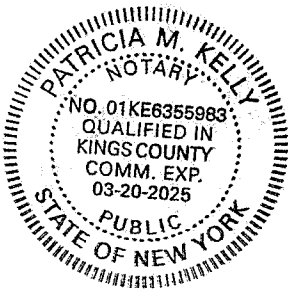
an FBI operations specialist informed me and another agent, in an email, that the Bank-1 investigator had advised her that the phone communications from RAJI referenced in the SAR were from a particular phone number—for which the FBI later obtained a warrant for prospective location data (*see* Lai Aff.).

e. Based on my review of the SAR referenced in paragraph 6 of this affidavit, and its attachments, I was aware that the phone calls between the Bank-1 investigator and RAJI were related to transfers of funds that another financial institution had deemed “fraudulent.” However, I did not believe that those fund transfers were related to the charged fraud scheme.

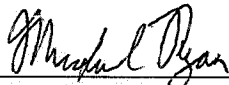
f. I also knew, based on approximately four years of investigating email account compromises, that conspirators in such schemes almost always use cellphones in furtherance of such schemes. Perpetrators of this type of crime frequently communicate with co-conspirators using their cellphones—sometimes via text message or phone call, sometimes via a messaging application or other platform. Conspirators also frequently communicate via email in furtherance of such schemes—with victims, banks, and/or co-conspirators—and frequently have access to those emails from their cellphones.

DATED: April 29, 2021

New York, New York



*Patricia M. Kelly*  
4-29-2021

  
MICHAEL RYAN  
Special Agent  
Federal Bureau of Investigation

Sworn to me this  
29 day of April, 2021